



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

SEP 17 2015

OFFICE OF THE
REGIONAL ADMINISTRATOR

The Honorable Russell Begaye
President, Navajo Nation
P.O. Box 9000
Window Rock, AZ 86515

Dear President Begaye:

I am writing to extend an invitation to conduct government-to-government consultation between the U.S. Environmental Protection Agency (EPA), Region 9 and the Navajo Nation regarding the proposed monitoring plan titled *Post-Gold King Release Incident: Conceptual Monitoring Plan for Surface Water, Sediments, and Biology*. Due to the urgency regarding monitoring activities that could begin in October 2015, EPA and all stakeholders have a narrow window of time for review, comment and consultation.

The *Post-Gold King Release Incident: Conceptual Monitoring Plan for Surface Water, Sediments, and Biology* describes post-release surface water quality, sediment quality, and biological community monitoring that will occur over the course of the year following the August 5, 2015 Gold King Mine (GKM) Release Incident. While the latest monitoring information shows that contaminant levels have returned to pre-spill levels, the study's monitoring information will serve to inform if these findings remain consistent across annual flow conditions.

I am also sending you a copy of the interim final *Incident Command Transition Plan* that describes the reduction in frequency for surface water and sediment sampling and the organizational transition from incident management to project management as the EPA moves toward implementing the *Post-Gold King Release Incident: Conceptual Monitoring Plan for Surface Water, Sediments, and Biology*.

EPA anticipates beginning implementation of the longer-term monitoring activities in October 2015 and seeks your feedback on the *Post-Gold King Release Incident: Conceptual Monitoring Plan for Surface Water, Sediments, and Biology*. Due to weather constraints, EPA would like to conduct at least one sampling event in early October 2015 in the upper region of the Animas River. We appreciate any input you may have prior to this document being finalized. This consultation and coordination process will be conducted in accordance with the EPA Policy on Consultation and Coordination with Indian Tribes¹. Information about this consultation will be posted on EPA's Tribal Consultation Opportunities Tracking System

¹ <http://www.epa.gov/tribal/pdf/cons-and-coord-with-indian-tribes-policy.pdf>

(<http://tcots.epa.gov/oita/TConsultation.nsf/TC?OpenView>). At the end of the consultation period, EPA will provide written feedback on how input was considered in the final action. EPA invites you and your designated consultation representative(s) to participate in this process.

In addition, I invite you to participate in a conference call with States, Tribes, and local entities on Tuesday, September 22nd, at 12:00 pm Mountain Daylight Time where EPA will present an overview of the proposed monitoring plan and answer any questions you may have. We will provide you with an agenda and call-in information for that discussion in the very near future.

We would appreciate your written comments on the *Post-Gold King Release Incident: Conceptual Monitoring Plan for Surface Water, Sediments, and Biology* as soon as possible. We're asking all State, Tribal, and other local governments to provide comment by October 8, 2015 so the Agency can initiate monitoring this fall. Because inclement weather may soon preclude sampling in the upper Animas, we ask for all stakeholders to submit comments sooner rather than later. You may submit your comments in writing to GKMmonitoring@epa.gov with a copy to Michael Montgomery at Montgomery.Michael@epa.gov.

I am designating Michael Montgomery, Acting Director of the Water Division, as our point of contact for working with your staff to arrange this consultation. He can be reached at (415) 972-3438. Please also feel free to contact me at (415) 947-8702, or Superfund Director Enrique Manzanilla at (415) 972-3843.

Sincerely,



Jared Blumenfeld
Regional Administrator

Enclosures

cc: Dr. Donald Benn, Executive Director, Navajo Nation Environmental Protection Agency
Ethel Branch, Attorney General, Navajo Nation Department of Justice